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To the Governor and Members of the
General Assembly of Maryland.

Gentlemen:

Pursuant to Senate Resolution 4, passed on January 27, 1959, the Governor appointed this Commission "to study and investigate the problems of Sabbath observance in this State". The Commission has held three meetings and its members have given careful consideration to the matter between meetings. The meetings, at which all members of the Commission were present each time, were held on February 13, 20 and 24. The meeting of the 20th was a public hearing at which approximately two hundred persons were present and seventeen persons representing various points of view, interests and groups in the state, addressed the Commission. In addition a sub-committee of the Commission met to edit this report.

The fundamental issue faced by your Commission was a determination whether Sunday legislation is a matter of religion, or a matter of public policy and economics. If the reasons advanced for Sunday observance are limited to religious motivation, legislation implementing such observance, could be interpreted as a violation of the principle of separation of church and state. Although there are many for whom Sunday is a day of religious significance, it is the firm opinion of your Commission that Sunday is for that reason no less a part of the social fabric of our society, as a day of rest, recreation, and family activity.

Viewing the matter in this light and weighing all evidence, it is the conclusion of your Commission that Sunday observance should be regarded as a matter of public policy and economics. We are using Webster's definition of Sunday as "the first day of the week". Therefore,

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no reference will be made in this report to the terms "Sabbath", "Lord's Day", "day of worship", etc., since these terms have religious reference and connotation.

The separation of church and state, which is rightfully affirmed, does not abrogate the right of the state to act on behalf of the social and economic welfare of its people. The ever increasing commercialization of Sunday is detrimental to the best interests of our community, particularly as this affects the home life and the children of the community whose parents are employed on Sunday. At a time when the importance of the family is being emphasized to combat juvenile delinquency and other social maladjustments, it is our firm conviction that family life can be strengthened materially by a concerted effort to preserve Sunday as a day of rest, recreation, and family activities.

There are sound reasons for limiting business activities on one day. Society needs a day of rest, one day when insofar as possible the normal routine of work and commercialization can be varied. In our society, Sunday is the day on which the overwhelming majority of our people effect a change of pace for rest, recreation, and family activities. Society cannot achieve this change by individual, voluntary action. That approach might seem to be ideal, but in a highly complex society such as ours, such matters can be handled only by general uniform policy. Furthermore, even when the vast majority concur, if there is no legislative requirement, the fabric is easily ripped apart by the power and competition of a small minority of business interests who seek to exploit the opportunity presented by the fact that their competitors are closed. Hundred of business firms may agree to close, but the successful competition of the few who exploit the Sunday trade will force others to open on Sunday against their better judgement or jeopardize their sales.

Insofar as legitimate Sunday services are concerned, it is the need of the community, not the gain of the owners, which should determine what are essential Sunday sales.

Your Commission has been conscious of the fact that our community has within it many minority groups, each with its own beliefs and customs. These differences were taken into consideration in the Commission's deliberations and recommendations. However, your Commission is compelled to recognize Sunday in the light of its general acceptance by the vast majority of people in our State. Representatives of merchants' associations, labor leaders, and civic groups have been in the vanguard of those working to limit Sunday sales. A listing of some of these groups in the Baltimore area alone is most revealing:

Automobile Trade Association of Maryland, Retail Merchants Association of Baltimore, Maryland Council of Retail Merchants, Baltimore Retail Hardware Association, Affiliated Neighborhood Retail Merchants Association, Baltimore Metropolitan Pharmaceutical Association, Maryland Independant Automobile Dealers Association, United Hebrew Butchers' Association, Baltimore Federation of Labor, Amalgamated Meat Cutters and Butchers Union, Maryland Federation of Women's Clubs, Catholic War Veterans, and Maryland State Council of Church Women. This represents a partial listing of interested groups.

Your Commission, however, finds that there has arisen a serious threat to Sunday as a day of rest, recreation, and family activities by the growing commercialization of the day by a few of our own large-scale retail outlets, as well as retailers entering our State from other areas, where the same regard for the Sunday has not been maintained. The competition of these few will in time force a general commercialization of Sunday, contrary to the will of the vast majority of retailers, if this

trend is not effectively stopped.

Your Commission, therefore, believes legislation is needed which will clearly define on a State-wide basis, which commercial activities are permitted and which are prohibited in the interest of protecting Sunday as a general day of rest, recreation, and family activities in our State.

Your Commission, accordingly, recommends:

1. That the General Assembly make an appropriate legislative finding to the effect that it is in the interest of the health and welfare of the community to retain Sunday as a general, weekly day of rest, recreation, and family activities for the largest possible number of people; that this day of rest, recreation, and family activities is at present being threatened by certain large-scale commercial activities, as well as other unnecessary Sunday operations; that, on the other hand, the retailing on Sundays of certain commodities in small-scale operations, not involving a large number of people, does not have the same disruptive effect on the general day of rest, recreation, and family activities, while it does serve a public convenience, and, therefore, should not be prohibited.

2. That on the basis of the foregoing finding the General Assembly pass a general, state-wide closing law, which the state does not now have, for all merchandising establishments, with certain well-defined exceptions. The present law does not require closing of establishments on Sundays, but prohibits Sunday sales, with certain exceptions. This has caused some dealers to claim that they have a right to remain open to display their wares to be sold on other days during the week. It has also led to other wholly unnecessary operations tending to dis-

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rupt the preservation of Sunday as a day of rest, recreation, and family activities.

It is suggested that the desired result could be obtained by repealing Article 27, Section 521 (formerly 604) of the Code and passing in lieu thereof a general state-wide closing law for commercial enterprises, with the following exceptions:

A. Drug Stores. There is at present a discrepancy in the law as to what drug stores may sell in Baltimore City and in the State at large. This discrepancy should be eliminated because it has created serious law enforcement problems in the Baltimore metropolitan area. It is recommended that the State-wide law use the terminology of the Baltimore City ordinance insofar as it permits the sale by drug stores on Sunday of all articles "customarily sold in drug stores", and that the law provide a definite means of determining what articles are included under that terminology. The uncertainty of what is at present included under this term has caused both the law enforcement authorities and the courts unnecessary difficulty by its vagueness.

To meet this problem it is recommended that the State-wide law authorize and direct the Maryland State Board of Pharmacy to compile a list of such articles as are "customarily sold in drug stores". In compiling this list the Maryland State Board of Pharmacy should be directed to base its compilation on an actual determination of what articles are in fact sold in more than 50% of the registered drug stores of the State. A certified copy of this list, revised and brought up-to-date annually, should be kept on file with the Maryland State Board of Pharmacy and copies thereof sent annually to all registered drug stores and all law enforcement agencies throughout the State.

the first of these is the fact that the system is not self-sufficient. It is dependent on the outside world for many of its needs, and this is a serious weakness.

Another major problem is the lack of a clear and consistent policy. The government has often changed its mind, and this has led to confusion and uncertainty among the people. It is essential that a clear and consistent policy be adopted, and that it be followed consistently.

The third problem is the lack of a strong and effective government. The government is often weak and inefficient, and this is a major obstacle to progress. It is essential that a strong and effective government be established, and that it be able to implement its policies effectively.

The fourth problem is the lack of a strong and effective economy. The economy is often weak and inefficient, and this is a major obstacle to progress. It is essential that a strong and effective economy be established, and that it be able to provide the resources needed for development.

The fifth problem is the lack of a strong and effective education system. The education system is often weak and inefficient, and this is a major obstacle to progress. It is essential that a strong and effective education system be established, and that it be able to provide the resources needed for development.

The sixth problem is the lack of a strong and effective social system. The social system is often weak and inefficient, and this is a major obstacle to progress. It is essential that a strong and effective social system be established, and that it be able to provide the resources needed for development.

Drug stores selling articles not included on the list of articles "customarily sold in drug stores", if open on Sunday, should be required to cover securely all such other merchandise in their stores with non-transparent covering, conspicuously labeled with some such wording as: "Sale of these items prohibited on Sunday by State law".

B. Food Stores. Food stores selling food stuffs prepared or intended for consumption in which no more than a total of three personnel are employed on Sunday, whether they be owners, managers, assistants, delivery personnel or any other employees or workers in connection with the operation of the store, provided only food stuffs prepared or intended for consumption shall be sold on Sundays.

C. Restaurants, Lunch Rooms, Ice Cream and Soda Parlors.

D. News Stands selling and/or delivering newspapers and periodicals.

E. Gasoline Service Stations.

F. Nurseries, florists, plant shops, and roadside flower, fruit, and vegetable stands -- all should be exempt from the closing requirements, as long as they are small-scale operations, subject to the same criteria as food stores, that is, not more than three personnel per establishment.

4. In this connection the term "commercial enterprises" should be defined as including both wholesale and retail merchandising establishments of all characters and lines of merchandise and commodities, as well as automobile agencies, used car lots, markets, and "farmers markets" consisting of buildings or areas in which stalls are rented or concessions given to individual merchants or vendors, and such markets should be regarded as one enterprise, and the stalls not as individual enterprises exempt from Sunday closing requirements. The term "commercial enterprises" should further be defined to include service operations or agencies such as laundries and dry cleaning establishments and agencies and laundromats.

5. The terms "closing" or "closed" should in this connection be defined to mean closed for work and business of any character, including the display of wares to possible prospective customers, and insofar as it applies to used car lots and other open air operations, which are not enclosed by an enclosure which can be locked, it should mean that no salesman or demonstrator is on hand to exhibit the commodities of the establishment.

6. It is further recommended that the penalty provisions of Article 27, Section 521 (formerly 604) be retained for violations of the proposed re-written section. This is especially important in view of the revocation of license provision contained in Section 521 which is the most effective deterrent to violators.

7. It is further recommended that the control of sales in connection with amusements and entertainments permitted by law in the various jurisdictions of the State, and sales in recreational areas, parks, and at beaches used on Sunday for recreational purposes, be left to the local laws of the jurisdictions in which such facilities are located.

8. Finally, in view of the foregoing recommendations concerning Sunday observance, your Commission recommends that the General Assembly take under advisement the restriction of the sale of alcoholic beverages on Sundays.

Respectfully submitted,

W. Carroll Beatty of Hyattsville
Joseph Cohen of Baltimore City
Joseph Healy of Baltimore City
Charles F. Kirkley of Annapolis
Howard L. Link of Crisfield
H. M. Richardson of Cumberland
William R. Woodfield of Galesville
William R. McClayton, Sr., of
Baltimore County
Chairman.

the same time, the fact that the government has been able to maintain a high level of employment and a low level of inflation is a testament to the effectiveness of its economic policy. The government has been able to achieve this by a combination of sound fiscal and monetary policy, and by a commitment to the principles of free trade and open markets.

The government's economic policy has been based on the principles of free trade and open markets. It has been able to achieve this by a combination of sound fiscal and monetary policy, and by a commitment to the principles of free trade and open markets. The government has been able to achieve this by a combination of sound fiscal and monetary policy, and by a commitment to the principles of free trade and open markets.

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